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Papua New Guinea

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1982)	CRPD (2013)	CAT
	ICESCR (2008)		OP-CAT
	ICCPR (2008)		OP-CRC-AC
	CEDAW (1995)		OP-CRC-SC
	CRC (1993)		ICCPR-OP 2
			ICRMW
			ICPPED
Reservations and/or declarations	ICERD (reservation, art.4, 1982)		
Complaints procedures, inquiries and urgent action[3]			ICERD, art. 14
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW
			OP-CRPD
			ICPPED

2. Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		
			Rome Statute of the International Criminal Court
			Palermo Protocol[4]
	Conventions on refugees and stateless persons (except 1961 Convention on the Reduction of		1961 Convention on the Reduction of Statelessness

Status during previous cycle	*Action after review*	*Not ratified*
Statelessness)[5]		
Geneva Conventions of 12 August 1949 and Additional Protocol I[6]		Additional Protocols II and III to the 1949 Geneva Conventions[7]
ILO fundamental conventions except Nos. 138 and 182[8]		ILO Conventions Nos. 169 and 189[9]
		Convention against Discrimination in Education

1. The United Nations country team indicated that, during its first universal periodic review, Papua New Guinea had supported recommendations to ratify CAT, OP-CAT, OP-CEDAW and ICPPED.[10]

2. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged Papua New Guinea to ratify CAT and OP-CAT and create a national preventive mechanism providing for regular visits to all places of detention. He also urged it to make a declaration with respect to article 22 of CAT and to ratify the ICCPR-OP 1.[11] The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended ratification of CAT and OP-CEDAW.[12] The country team made similar recommendations.[13]

3. The country team recommended that Papua New Guinea accede to the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness. It added that, despite steps taken, reservations to the Convention relating to the Status of Refugees had not yet been lifted.[14]

B. Constitutional and legislative framework

4. In 2013, the Special Rapporteur on violence against women, its causes and consequences, recommended that the country make constitutional amendments to explicitly define and prohibit discrimination, including on the grounds of sex, in accordance with article 1 of CEDAW.[15]

5. The Special Rapporteur on summary executions noted the positive step of the adoption of the Family Protection Act (2013), which criminalized domestic violence.[16] According to the country team, Papua New Guinea was taking actions, supported by the United Nations, donors and national civil society actors, to implement the Act.[17]

6. The Special Rapporteur on violence against women recommended that the country include within national legislation penalization of sexual harassment.[18]

7. The Special Rapporteur on summary executions[19] and the country team noted as positive step that, in 2013, Parliament had repealed the Sorcery Act (1971).[20]

8. The country team indicated that the Juvenile Justice Act (2014) established a juvenile justice system focusing on restorative justice as an alternative to imprisonment, rehabilitation, fast-tracking of juveniles' cases and increased monitoring of conditions in places of juvenile detention.[21]

9. The country team stated that the Child Protection Act (2015) strengthened child protection, including from discrimination, and provided that the interest of the child was paramount in all actions and decisions concerning the child.[22]

10. The country team recommended that the Criminal Code Act (1974), in relation to the sex work and male to male sex, and the Summary Offences Act (1977) be reviewed for consistency with a human rights-based approach.[23]

C. Institutional and human rights infrastructure and policy measures

11. The country team indicated that, during its first universal periodic review, Papua New Guinea had accepted recommendations to establish a national human rights commission.[24] It recommended that legislation be adopted to establish a commission in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that sufficient resources be allocated to ensure that the commission function independently and in accordance with international standards.[25] Similar recommendations were made by the Special Rapporteurs on summary executions[26] and on violence against women.[27]

12. The Special Rapporteur on violence against women recommended that the country strengthen the capacity of the Office for Development of Women within the Department for Community Development and provide support for the implementation of the 2011-2015 National Policy for Women and Gender Equality.[28]

13. The country team noted that the overarching National Policy on Child Protection was ready for submission to the National Executive Council and called for increased investment, both human and financial, to support its effective implementation.[29]

14. The country team indicated that, pursuant to the Criminal Code (Amendment) Act (2014), smuggling and trafficking in persons were criminal offences and a legal basis for protecting victims had been created. The Trafficking in Persons National Action Plan had been adopted and steps had been taken to strengthen the capacity of law enforcement agencies and judicial bodies to identify trafficking cases and act on them. The country team recommended that Papua New Guinea ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.[30]

15. The country team noted that the Medium-Term Development Plan 2011-2015, extended until 2017, prioritized a number of key sectors, including primary and secondary education, access to water and sanitation.[31]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial Discrimination	March 2003 (reviewed in absence of a report)	-	-	Second report overdue since 1984
Committee on Economic, Social and Cultural	-	-	-	Initial report overdue since 2010

Treaty body	Concluding observations included in previous review	Latest report submitted since previous review	Latest concluding observations	Reporting status
Rights				
Human Rights Committee	-	-	-	Initial report overdue since 2009
Committee on the Elimination of Discrimination against Women	July 2010	-	-	Fourth report overdue since 2014
Committee on the Rights of the Child	January 2004	-	-	Combined second and third reports overdue since 2008
Committee on the Rights of Persons with Disabilities	-	-	-	Initial report overdue since 2015

16. In 2011, the Committee on the Elimination of Racial Discrimination noted with concern that Papua New Guinea had not submitted its overdue reports since 1984 and urged their submission.[32]

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	Due in	Subject matter	Submitted in
Committee on the Elimination of Discrimination against Women	2012	Torture and killings of women and girls accused of witchcraft; women's participation in political and public life[33]	Reminders sent in 2012[34] and 2013[35]

17. The country team stated that, in 2015, preparations had been under way to submit the initial report to the Committee on the Rights of Persons with Disabilities. It recommended that Papua New Guinea develop a core common document and take clear steps to fulfil its reporting obligations under treaty bodies.[36]

B. Cooperation with special procedures[37]

	Status during previous cycle	Current status
Standing invitation	No	Yes
Visits undertaken	Summary executions	Violence against women
	Torture	Summary executions
Visits agreed to in principle	-	Indigenous peoples

	Status during previous cycle	*Current status*
Visits requested	Arbitrary detention	Arbitrary detention
	Education	Mercenaries
	Mercenaries	Migrants
	Foreign debt	
Responses to letters of allegation and urgent appeals	During the period under review, 10 communications were sent. The Government replied to one communication.	
Follow-up reports and missions	Torture[38]	

18. The country team indicated that Papua New Guinea had issued a standing invitation to special procedure mandate holders in 2011.[39]

19. According to the country team, Papua New Guinea had taken steps to implement recommendations made by the Special Rapporteur on torture, including to initiate a programme to integrate human rights training for the police and to increase the monitoring of places of detention.[40]

20. The Special Rapporteur on summary executions recommended the setting up of a mechanism to respond in a regular and timely manner to communications from the special procedures.[41]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

21. In 2013, the Special Rapporteur on violence against women noted that the country had undertaken legal and institutional initiatives to address the situation of women and girls in the country. However, those had not been translated into concrete improvements in the lives of the majority of women, who remain marginalized, discriminated against and at high risk of being subjected to violence.[42] She recommended providing temporary special measures, including quotas and preferential treatment, to advance women's integration into education and the economy, and incentives to increase the employment of women within the private sector.[43] She also recommended launching targeted awareness-raising campaigns to educate and change societal attitudes, particularly those that place women in a lower social status than men.

22. According to country team, in response to recommendations received during its first universal periodic review,[44] Papua New Guinea launched its Gender Equity and Social Inclusion Policy, which established a framework for promotion of gender equity and social inclusion practices across the national public service. The policy also addressed areas including HIV/AIDS, and discrimination on the basis of race and sex and contained an action plan with indicators and time frames for implementation in six priority areas.[45]

23. The country team welcomed the National Policy on Disability, which included provisions in such areas as health and education and made sign language a fourth official national language. Steps were also under way to develop a national pension for the elderly under a social inclusion policy.[46]

24. The country team noted the Civil Registration (Amendment) Act and the National Identity Project launched in 2015, which aimed to register all citizens and provide them with a birth certificate. The country team recommended establishing civil and identity registration capacity beyond the provincial capital to further improve access to civil registration services.[47]

25. The country team indicated that male same-sex sexual activity was prohibited by the Criminal Code. While those provisions were not usually implemented, they had facilitated extortion, discrimination and social stigmatization of lesbian, gay, bisexual and transgender persons.[48]

B. Right to life, liberty and security of the person

26. The Special Rapporteur on summary executions noted that, while the last execution in the country occurred in 1954, 13 people were on death row, all convicted of wilful murder.[49] He also noted reports about the Government's intention to start implementing capital punishment in response to the high level of violence in the country.[50]

27. The Special Rapporteur on summary executions reported on the legislative amendments made to the Criminal Code in 2013 concerning the death penalty, which could be imposed as a sentence for two new crimes, namely, "wilful murder of a person on account of accusation of sorcery" and "aggravated rape". The sentence for "aggravated robbery" had been amended from life imprisonment to the death penalty.[51] The Special Rapporteur on torture recommended that the death penalty be abolished and Papua New Guinea ratify ICCPR-OP 2.[52] While recognizing the need for strong action to protect its population against criminality, the country team recommended strengthening the rule of law and increasing access to justice as a more effective way to address crime. It also recommended that Papua New Guinea maintain its moratorium on the death penalty with a view to abolishing it de jure.[53]

28. The Special Rapporteur on torture recommended ensuring that torture is defined as a serious crime, sanctioned with penalties commensurate with the gravity of torture and that any statement that is established to have been made as a result of torture is not invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.[54]

29. In relation to recommendations received during the first universal periodic review,[55] the country team noted positive steps taken, such as a partnership with other countries to strengthen the police and to combat violence in different areas. However, it remained concerned at reports of the excessive use of force by the police, corruption, ill-treatment and harassment. Public trust in the Royal Constabulary was low.[56] According to the Special Rapporteur on summary executions, the media had reported prison breakouts to which the authorities had sometimes responded with deadly violence.[57] UNCT recommended continuing efforts to increase the number of police officers and strengthen senior leadership.[58] The Special Rapporteur on torture recommended ensuring prompt and thorough ex officio investigations for all allegations and suspicions of ill-treatment or excessive use of force, by an independent authority, and removing any abusive officer from custodial duties.[59]

30. The Special Rapporteur on summary executions observed that private security companies were widespread in the country and that they employed more guards than there were police officers.[60] Private security officers reportedly had used excessive force and, in some instances, their conduct resulted in the death of individuals, although restrictions were placed on the carrying of firearms by them.[61] He recommended adopting an adequate legal framework for the use of force and ensuring the accountability of private security firms.[62]

31. The Special Rapporteur on summary executions noted that the country had taken steps to address sorcery-related violence.[63] However, he was concerned at reports that violence related to accusations of sorcery and witchcraft was a widespread problem. In some instances, when a person died, someone was accused of having caused the death by witchcraft and attacked by community members as "payback".[64] The police had been reportedly reluctant to intervene as they might face retributive attacks or were afraid of the alleged sorcery.[65]

32. The country team stated that, in 2015, the Sorcery National Action Plan had been endorsed by the National Executive Council. The Plan proposed a multisectoral approach to combating violence related to allegations of sorcery. The country team recommended that Papua New Guinea strengthen its efforts to address gender-based violence, including by providing training and awareness-raising on gender-based violence and violence related to sorcery accusations, strengthening accountability mechanisms and allocating sufficient budget to support such programmes.[66] Similar recommendations were made by the Special Rapporteur on summary executions.[67] The Special Rapporteur on violence against women made recommendations that included ensuring that all cases of assault or murder based on sorcery accusations are treated swiftly and effectively by the National Court;[68] put in place emergency procedures to rescue and resettle women who are at risk of suffering sorcery-related violence in their communities;[69] and develop a project for the establishment of a government-run shelter for women victims of violence in the Highlands region.[70]

33. The Special Rapporteur on summary executions recommended increasing awareness of domestic violence and enforcing the Family Protection Act as a matter of priority.[71] He also recommended that human rights be included in school curricula, including the unacceptability of all forms of interpersonal violence, in particular, in the context of accusations of sorcery and witchcraft, tribal affiliations and domestic violence.[72]

34. The Special Rapporteur on violence against women indicated that physical intimate partner violence against women, commonly referred to as "wife bashing", was perhaps the most prevalent form of violence against women in the country.[73] Among the root causes of such violence were the common perceptions that wife beating was a normal part of married life and that a husband had the right to hit his wife as a way to discipline her.[74] The Special Rapporteur also noted the practice of bride-price payment as an aggravating factor that fuelled situations of domestic violence and limited the avenues for women to escape abusive relationships.[75] Polygamy was also identified as a common cause of violence in the family.[76]

35. The country team indicated that, in 2014, the Government had drafted the National Strategy to Prevent and Respond to Gender-Based Violence 2015-2050.[77]

36. The country team noted that, although violence against children was prohibited under the Child Protection Act, corporal punishment was not explicitly prohibited. The Criminal Code provided for the use of such force as was reasonable under the circumstances by parents and schoolteachers. The country team recommended that article 278 of the Criminal Code be repealed and corporal punishment prohibited.[78]

C. Administration of justice, including impunity, and the rule of law

37. The Special Rapporteur on summary executions was concerned that the number of police officers had increased marginally, while the population had tripled.[79] He recommended increasing resources for the police so as to strengthen its capacity in terms of both numbers and quality of duty performed,[80] and improve training on human rights for police and correctional services officers.[81]

38. The Special Rapporteur on summary executions reported that witnesses were often reluctant to testify owing to intimidation by perpetrators or by members of the group to which the accused belonged. The system of payback was also raised as a reason why a standard witness protection programme would not be feasible, and resources were not available to provide the level of protection that witnesses would require.[82] He recommended that witness and victim protection schemes be established.[83]

39. The Special Rapporteur on summary executions noted that a limited number of lawyers was available and many people could not afford to pay their fees. The Office of the Public Solicitor provided free legal assistance in respect of civil and criminal matters to those who were unable to afford a private lawyer.[84] However, few lawyers were interested in joining the Office due to the poor benefits offered. He recommended considering the possibility of establishing a pro bono system.[85]

40. The Special Rapporteur on torture noted that the Royal Constabulary lacked the capacity to prevent and investigate crimes related to domestic violence and accusations of sorcery and urged the country to ensure a comprehensive structural reform.[86]

41. The Special Rapporteur on violence against women recommended that the Family and Sexual Violence Units be permanently integrated into the structure and budget of the Royal Constabulary;[87] the Unit within the Office of the Public Prosecutor be strengthened by allocating adequate staff and resources and supporting the establishment of such units at provincial level;[88] and cases of violence against women were resolved swiftly by the courts.[89]

42. The Special Rapporteur on torture noted efforts to address the poor conditions of detention and that those efforts were often hampered by capacity and resource constraints. He recommended establishing stronger legal and procedural safeguards; amending the Correctional Service Act to include provisions on confidential and private meetings with detainees; and regulating visits to police lock-ups and pretrial detention facilities. He encouraged the country to ensure that detention conditions comply with international minimum standards.[90] The Special Rapporteur on violence against women recommended that international standards for the protection of women in detention be incorporated into the national legislation.[91]

43. The Special Rapporteur on torture noted that the Police Juvenile Policy and Diversity Protocol was an excellent tool for dealing with juveniles in conflict with the law. However, it had not been sufficiently applied.[92] He recommended that the country implement it and that all juveniles be removed from police lock-up.[93]

44. The Special Rapporteur on summary executions noted the eligibility of the country and Bougainville as a beneficiary of the Peacebuilding Fund, in 2013.[94] He observed that a considerable number of grievances still persisted and the application of various transitional justice measures might be necessary. He had been informed about the need of the families of the many disappeared persons to locate the graves of their relatives and to ensure proper burial.[95]

D. Freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life

45. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Papua New Guinea decriminalize defamation in accordance with international standards.[96]

46. The country team stated that women's participation in political office was low. In 2012, three women had been elected for a total of 111 seats (2.7 per cent). In the

autonomous region of Bougainville, 3 of 39 parliamentary seats were reserved for women. In local elections in 2015, one woman had won an open seat. The country team recommended that Papua New Guinea continue efforts to strengthen women's political participation, in collaboration with national and international partners.[97] The Special Rapporteur on violence against women recommended that the country resolve any ambiguity between the Equality and Participation Bill and its enabling organic act, to ensure the equal participation of women candidates in the next parliamentary election;[98] and adopt other affirmative action measures to increase the participation of women in public life, including by appointing women to the judiciary and as senior-level officials in the executive branches at the national and local levels.[99]

E. Right to work and to just and favourable conditions of work

47. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations asked Papua New Guinea to take measures to ensure that both the revised Industrial Relations Act and Employment Act contain a definition of remuneration which includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, by the employer to the worker and arising out of the worker's employment; and provide for equal remuneration for men and women for work of equal value.[100]

48. That Committee, recalling that vocational training and education had an important role in determining the actual possibilities of gaining access to employment and occupations, asked Papua New Guinea about any measures taken to increase the number of girls and women in education and training programmes to provide them with access to a wide range of jobs, including traditionally "male" jobs.[101]

F. Right to social security and to an adequate standard of living

49. The Special Rapporteur on violence against women noted with concern high levels of inequality in the country, and that the economic growth experienced through the development of extractive industries had not reached all segments of the population.[102] She also noted that the traditional land tenure system allowed for land ownership by clans and/or individuals. The *wantok* system provided a safety and support network for family and clan members, and churches and community-based groups played a role as providers of employment and services, including health and education services. Women, however, did not always benefit substantively from such systems.[103]

G. Right to health

50. The country team, in relation to recommendations received during the first universal periodic review,[104] noted that, in 2014, Papua New Guinea had adopted a policy on Free Primary Health Care and Subsidized Specialist Services. The policy was aimed at achieving equity and universal access to health services by eliminating user fees and ensuring financial protection against catastrophic expenditures on health. In addition, a number of policies had been adopted to improve maternal health, including the Youth and Adolescent Health Policy and the National Health Sector Gender Policy.[105] The country team stated that those polices were articulated in the National Health Plan, 2011-2020, which was focused on vulnerable populations. However effective implementation at provincial and community levels remained a challenge.[106]

51. While noting the establishment of the National Maternal Death Committee, the country team considered that effective coordination between the National Department of Health, the Provincial Health Authority and the District Development Authority would be key in improving the performance of the health sector.[107]

52. The country team indicated that the National HIV and AIDS Strategy (2011-2015) had been extended to 2017.[108] From data from 2013, it was estimated that antiretroviral medicines to treat HIV had been delivered to 80 per cent of those in need and to 55.26 per cent of pregnant women in need of antiretroviral drugs. However, the quality, reliability and extent of strategic information on the epidemic was poor and had resulted in a national response based on incorrect assumptions. Although the country fully funded treatment domestically and had approved the new treatment guidelines of the World Health Organization, many locations lacked treatment facilities.[109]

H. Right to education

53. UNESCO stated that the Constitution did not specifically provide the right to education,[110] and that there were no legal provisions regarding free or compulsory education or any age limits set.[111] However, Papua New Guinea had adopted legislation aimed at improving the quality of education, notably the Higher Education Bill (2014). In addition, through the Universal Basic Education Plan 2010-2019, Papua New Guinea was implementing compulsory primary education. In 2013, the country released funds to achieve free education programmes; however, not every educational institution could benefit from them. Human rights education remained limited in school and no additional steps had been taken toward special education for persons with disabilities.[112] UNESCO recommended that Papua New Guinea continue its efforts to achieve its goals of universal education, gender equality and free education programmes for all educational institutions; and ratify the Convention against Discrimination in Education.[113]

54. The country team stated that, in 2012, Papua New Guinea had implemented the Tuition Fee Free education policy, which covered the cost of tuition for students in public schools from primary school to Grade Ten, and extended the policy to include project fees in 2015. The policy was critical to improving access to education, especially by disadvantaged and marginalized children. In addition, the policy had contributed to increased enrolment in schools, particularly in basic education, with almost two million children enrolled in 2014 compared with about one million a decade before. Despite those achievements, significant disparities still existed across the country and almost half a million children were out of school. According to the country team, stronger monitoring of the policy and expenditure was needed, as well as better targeting of the policy, including allocating more resources to remote and less-resourced schools.[114]

55. The Special Rapporteur on violence against women also noted that, owing to the low number of schools and their remoteness, access to education remained very limited for the majority of the population in rural areas.[115]

I. Cultural rights

56. According to the country team, as part of the Reformation, Restoration and Modernization Programme to instil national unity, the removal of several traditional wooden carvings and totem poles adorning the National Parliament House had been ordered in 2013, resulting in their partial destruction, as it had been claimed that they were non-Christian and represented witchcraft, immorality and idolatry. Following a public outcry, the Prime Minister decreed that the removal of the artefacts from Parliament House

should be stopped. The country team recommended that Papua New Guinea continue to protect its traditional cultural heritage and the diversity of religions in the country.[116]

57. UNESCO encouraged Papua New Guinea to fully implement the relevant provisions of UNESCO conventions that promote access to and participation in cultural heritage and creative expressions conducive to implementing the right to take part in cultural life.[117]

J. Minorities and indigenous peoples

58. The Committee on the Elimination of Racial Discrimination expressed concern that indigenous lands were under threat of alienation through the Government's practice of issuing long-term leases to non-indigenous companies over indigenous lands, as allowed by Land Act (1996). It was also concerned about the special agricultural business leases, which were reportedly concluded without the consent of indigenous landowners being sought as required by the Land Act (1996). Indigenous landowners were allegedly not adequately informed of the purposes for which the land was acquired or of the environmental consequences of activities planned by non-indigenous mining companies.[118]

59. In 2014, several special procedure mandate holders also raised concerns regarding the alleged negative impact on human rights of large-scale land acquisitions under the scheme of special agricultural business leases. According to the information received, it had negatively affected the ability of indigenous communities to maintain customary land use patterns, sustain their traditional way of living, access land and secure their right to food and right to water.[119]

60. The special procedure mandate holders also noted that, according to the information received, a commission of inquiry had issued a final report in 2013 critical of the overall scheme. The commission recommended that: the special agricultural business leases arrangement be eliminated; steps be taken to ensure that the land that had been irregularly or illegally alienated under that scheme be returned to local landowners; and all persons and entities implicated in unlawful activities under the scheme be prosecuted.[120]

61. The Committee on the Elimination of Racial Discrimination was concerned about the alleged denial of access to judicial remedies to indigenous landowners by the Compensation (Prohibition of Foreign Legal Proceedings) Act (1996) to seek redress before foreign courts, including compensation for environmental destruction of their lands and resources. It was also concerned about the Environmental (Amendment) Act 2010, which allegedly denied indigenous peoples seeking redress before national courts for environmental permits granted that negatively impacted their lands and resources.[121]

K. Migrants, refugees and asylum seekers

62. In 2014, several special procedure mandate holders sent a communication regarding allegations concerning the indefinite detention of asylum seekers, the detention of children, detention conditions and the violent response to protests against those conditions. The experts noted information received, according to which at the end of January 2014, asylum seekers at the Manus Island Regional Processing Centre had staged protests about their conditions. On 17 and 18 February 2014, the protests had escalated violently in the Centre. The G4S security guards (the private company providing security at the detention facility) allegedly responded with excessive use of force when protests escalated.[122] The country team expressed similar concerns.[123]

63. The Special Rapporteur on summary executions noted that detainees at the Manus Island Centre, were in a possible dead-end situation: there was uncertainty as to their

future.[124] He stated that, together with the Government of a third country and as a matter of priority, the position of the asylum seekers at the Manus Island Centre should be clarified and investigations into the February 2014 riots should be independent and transparent.[125]

64. The Office of the United Nations High Commissioner for Human Rights (UNHCR) noted that asylum seekers were deprived of their liberty, on a mandatory basis, without an assessment as to the necessity and proportionality of the purpose of such detention in the individual case, and without being brought promptly before a judicial or other independent authority.[126] It recommended that Papua New Guinea ensure that reception arrangements for asylum seekers fully respect human dignity and applicable international human rights law and standards, and ensure that the detention of asylum seekers is in compliance with international standards.[127]

65. UNHCR welcomed progress made in terms of implementing the refugee status determination procedures, but urged that those procedures be enshrined in domestic legislation and that asylum seekers who wished to seek judicial review be given access to legal representation.[128] UNHCR also expressed concerns that, owing to the length of time that many transferred asylum seekers had been detained at the offshore processing on Manus Island Centre and their rapidly deteriorating psychosocial well-being, an increasing number of asylum seekers would refuse to engage in the refugee status determination process. UNHCR made recommendations, including to ensure that any decisions by asylum seekers to return home were truly informed and voluntary.[129] The country team recommended that independent human rights monitors be granted full and unfettered access to the Manus Island Centre and that the Government finalize a comprehensive resettlement policy.[130] UNHCR also recommended taking immediate action to incorporate family reunification rights into its domestic laws and regulations to enable the swift and efficient reunion of refugees with their nuclear and dependent family members as early as possible.[131]

66. UNHCR, in relation to recommendations received during the first universal periodic review, recommended that Papua New Guinea take formal steps to withdraw the reservations to the Convention relating to the Status of Refugees.[132]

67. UNHCR noted that, in 2015, an exercise was initiated to register all West Papuan refugees living in settlements and urban centres in Papua New Guinea.[133]

68. UNHCR recommended that the Government of Papua New Guinea establish a statelessness status determination procedure and grant protection status to stateless migrants.[134]

L. Internally displaced persons

69. The country team noted that challenges in securing land delayed durable solutions for persons internally displaced by natural and man-made disasters. Communities displaced by a volcanic eruption to care centres in Manam, Madang Province, had yet to be permanently resettled 10 years on. The country team recommended that Papua New Guinea continue efforts to develop a policy on internally displaced persons in conformity with the Guiding Principles on Internal Displacement.[135]

M. Right to development, and environmental issues

70. The country team, in relation with recommendations received by Papua New Guinea during its first review,[136] noted measures taken to protect the environment, such as the

Protected Areas Policy, drafting instructions for the new Protected Areas Bill and the formulation of the Climate Change Act, which was to be approved in July 2015.[137]

71. The Special Rapporteur on summary executions stated that extractive industries posed significant risks to the protection of life. He was concerned that the necessary framework to meet the expected economic growth was not in place in the country as a whole.[138] The Special Rapporteur on violence against women recommended that the operation of companies in remote provinces, including the fishing, logging and mining industries be regulated, by establishing adequate monitoring and inspection mechanisms.[139]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Papua New Guinea from the previous cycle (A/HRC/WG.6/11/PNG/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention

relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[7] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[8] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[9] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).

[10] See United Nations country team submission for the universal periodic review of Papua New Guinea, para. 4.

[11] See A/HRC/19/61/Add.3, para. 103. See also A/HRC/16/52/Add.5, para. 81 (b).

[12] See A/HRC/29/37/Add.1, para. 118 (a).

[13] See country team submission for the universal periodic review of Papua New Guinea, para. 4.

[14] Ibid., para. 3.

[15] See A/HRC/23/49/Add.2, para. 89 (a).

[16] See A/HRC/29/37/Add.1, para. 61.

[17] See country team submission for the universal periodic review of Papua New Guinea, para. 5.

[18] See A/HRC/23/49/Add.2, para. 89 (i).

[19] See A/HRC/29/37/Add.1, para. 53.

[20] See country team submission for the universal periodic review of Papua New Guinea, para. 6.

[21] Ibid., para. 7.

[22] Ibid., para. 8.

[23] Ibid., para. 9.

[24] Ibid., para. 10.

[25] Ibid., para. 10.

[26] See A/HRC/29/37/Add.1, para. 108.

[27] See A/HRC/23/49/Add.2, para. 89 (b).

[28] Ibid., para. 89 (f).

[29] See country team submission for the universal periodic review of Papua New Guinea, para. 8.

[30] Ibid., para. 25.

[31] Ibid., para. 11.

[32] Letter dated 11 March 2011 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of Papa New Guinea to the United Nations Office and other international organizations in Geneva. Available from http://www2.ohchr.org/english/bodies/cerd/docs/PapuaNewGuinea_11March2011.pdf.

[33] See CEDAW/C/PNG/CO/3, para. 60.

[34] Letter dated 27 November 2012 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Mission of Papa New Guinea to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PNG/INT_CEDAW_FUL_PNG_20976_E.pdf.

[35] Letter dated 27 August 2013 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Mission of Papa New Guinea to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PNG/INT_CEDAW_FUL_PNG_15065_E.pdf.

[36] See country team submission for the universal periodic review of Papua New Guinea, para. 12.

[37] For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
[38] A/HRC/19/61/Add.3.
[39] See country team submission for the universal periodic review of Papua New Guinea, para. 13.
[40] Ibid., para. 14.
[41] See A/HRC/29/37/Add.1, para. 118 (d).
[42] See A/HRC/23/49/Add.2, para. 85.
[43] Ibid., para. 89 (e).
[44] See A/HRC/18/18, paras. 78.35-78.38, 78.47-78.49 and 78.51.
[45] See country team submission for the universal periodic review of Papua New Guinea, para. 15.
[46] Ibid., para. 17.
[47] Ibid., para. 22.
[48] Ibid., para. 18.
[49] A/HRC/29/37/Add.1, para. 89.
[50] Ibid., para. 88.
[51] Ibid., para. 87.
[52] See A/HRC/19/61/Add.3, para. 109. See also A/HRC/16/52/Add.5, para. 85.
[53] See country team submission for the universal periodic review of Papua New Guinea, para. 20.
[54] A/HRC/19/61/Add.3, para. 104. See also A/HRC/16/52/Add.5, para. 81 (c).
[55] See A/HRC/18/18, paras. 78.50-78.51, 78.56-78.59, 79.26, 79.29 and 79.40-79.41 on policing and human rights; paras. 78.53, 78.62-78.64 and 79.37 on children and human rights; paras. 79.45-79.46 and 79.48 on sorcery and violence against women; and paras. 78.54-78.55 on trafficking.
[56] See country team submission for the universal periodic review of Papua New Guinea, paras. 18 and 19.
[57] See A/HRC/29/37/Add.1, para. 34.
[58] See country team submission for the universal periodic review of Papua New Guinea, para. 19.
[59] See A/HRC/16/52/Add.5, para. 81 (e).
[60] See A/HRC/29/37/Add.1, para. 35.
[61] Ibid., para. 37.
[62] Ibid., para. 113.
[63] Ibid., paras. 53-55.
[64] Ibid., para. 49.
[65] Ibid., para. 51.
[66] See country team submission for the universal periodic review of Papua New Guinea, para. 24.
[67] See A/HRC/29/37/Add.1, para. 107.
[68] See A/HRC/23/49/Add.2, para. 89 (j).
[69] Ibid., para. 89 (s).
[70] Ibid., para. 89 (q).
[71] See A/HRC/29/37/Add.1, para. 62.
[72] Ibid., para. 109.
[73] See A/HRC/23/49/Add.2, para. 17.
[74] Ibid., para. 19.
[75] Ibid., para. 21.
[76] Ibid., para. 22.
[77] See country team submission for the universal periodic review of Papua New Guinea, para. 23.
[78] Ibid., para. 21.
[79] See A/HRC/29/37/Add.1, para. 64.
[80] Ibid., para. 112.
[81] Ibid., para. 111.
[82] Ibid., para. 73.
[83] Ibid., para. 115.
[84] Ibid., para. 80.
[85] Ibid., para. 81.
[86] See A/HRC/19/61/Add.3, para. 105.
[87] See A/HRC/23/49/Add.2, para. 89 (l).
[88] Ibid., para. 89 (m).

[89] Ibid., para. 89 (o).
[90] See A/HRC/19/61/Add.3, para. 107.
[91] See A/HRC/23/49/Add.2, para. 89 (k).
[92] See A/HRC/16/52/Add.5, para. 78.
[93] Ibid., para. 83 (c).
[94] See A/HRC/29/37/Add.1, para. 102.
[95] Ibid., para. 103.
[96] See UNESCO submission for the universal periodic review of Papua New Guinea, para. 35.
[97] See country team submission for the universal periodic review of Papua New Guinea, para. 16.
[98] A/HRC/23/49/Add.2, para. 89 (c).
[99] Ibid. para. 89 (d).
[100] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Equal Remuneration Convention, 1951 (No. 100) adopted in 2014, published 104th ILC session (2015), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187788.
[101] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) adopted in 2014, published 104th ILC session (2015), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187753.
[102] See A/HRC/23/49/Add.2, para. 9.
[103] Ibid., para. 10.
[104] See A/HRC/18/18, paras. 78.67-78.70 and 79.27.
[105] See country team submission for the universal periodic review of Papua New Guinea, para. 28.
[106] Ibid., para. 29.
[107] Ibid., para. 29.
[108] Ibid., para. 30.
[109] Ibid., para. 31.
[110] See UNESCO submission for the universal periodic review of Papua New Guinea, para. 1.
[111] Ibid., para. 7.
[112] Ibid., para. 31.
[113] Ibid., para. 32.
[114] Country team submission for the universal periodic review of Papua New Guinea, pp. 7-8.
[115] See A/HRC/23/49/Add.2, para. 12.
[116] See country team submission for the universal periodic review of Papua New Guinea, para. 33.
[117] See UNESCO submission for the universal periodic review of Papua New Guinea, para. 34.
[118] Letter dated 11 March 2011from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of Papa New Guinea to the United Nations Office and other international organizations in Geneva. See also A/66/18, p. 10.
[119] See A/HRC/27/52/Add.4, para. 120, and A/HRC/26/21, p. 59.
[120] See A/HRC/27/52/Add.4, para. 121, and A/HRC/26/21, p. 59.
[121] Letter dated 11 March 2011from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of Papa New Guinea to the United Nations Office and other international organizations in Geneva. See also A/66/18, p. 10.
[122] See A/HRC/27/72, p. 24.
[123] See country team submission for the universal periodic review of Papua New Guinea, para. 27.
[124] See A/HRC/29/37/Add.1, para. 42-43.
[125] Ibid., para. 119.
[126] UNHCR submission for the universal periodic review of Papua New Guinea, p. 6.
[127] Ibid., p. 7.
[128] Ibid., p. 7.
[129] Ibid., p. 8.
[130] See country team submission for the universal periodic review of Papua New Guinea, para. 27.
[131] UNHCR submission for the universal periodic review of Papua New Guinea, p. 10.
[132] Ibid., p. 3.
[133] Ibid., p. 3.
[134] Ibid., p. 12.

[135] See country team submission for the universal periodic review of Papua New Guinea, para. 34.
[136] See A/HRC/18/18, paras. 78.71, 79.51, 79.57-79.58 and 79.67).
[137] Country team submission for the universal periodic review of Papua New Guinea, p. 8.
[138] See A/HRC/29/37/Add.1, para. 98.
[139] See A/HRC/23/49/Add.2, para. 89 (n).